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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/624,845

07/22/2003

Manfred Kolbe

22593

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535

7590

08/16/2004

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EXAMINER

CYGAN, MICHAEL T

ART UNIT

PAPER NUMBER

2855

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,845

Applicant(s)

KOLBE ET AL.

Examiner

Michael Cygan

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 12 is/are rejected.
- 7) ☒ Claim(s) 9 and 11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8 July 2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Nelson (US 4,666,374). Nelson discloses the claimed invention, a method and apparatus comprising a system which includes two pressure converters [28,30] each having an output side connected through respective check valves with a source of pressurizing fluid [10] and a load, a drive side pressurizable in opposite directions to displace a member [32,34] in each pressure converter, a displacement measurement system which measures the displacement, a control system which uses displacement information to alternate converter operation in a fashion which results in a smooth pressure delivery; see entire document especially Figure 1, column 5, columns 7-8, and column 10.
2. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Fuchs (US 4,021,156). Fuchs discloses the claimed invention, a method and apparatus comprising a system which includes two pressure converters

[11,12] each having an output side connected through respective check valves with a source of pressurizing fluid and a load, a drive side pressurizable in opposite directions to displace a member [16,17] in each pressure converter, a displacement measurement system [53,59] which measures the displacement, a control system which uses displacement information to alternate converter operation in a fashion which results in a smooth pressure delivery; see entire document especially Figure 1, column 3 lines 35+, and column 4 lines 46+.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-4, 6, 7, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson (US 4,666,374) in view of Kent (US 2,660,955).

Nelson teaches the claimed invention, including double-acting drive cylinders with respective pistons; drain valve, and a four-port three position valve (see Figure 1); except for application to pressure testing a pipe such a that a constant pressure is attained therein. Kent teaches application of a two cylinder arrangement having constant pressure delivery for testing of pipes; see columns 1-2. It would have been obvious to one having ordinary skill in

the art at the time the invention was made to use pipe testing as taught by Kent in the invention taught by Nelson as the applied load, since Kent teaches that pipe testing benefits from such an arrangement.

4. Claims 2-4, 6-8, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuchs (US 4,021,156) in view of Kent (US 2,660,955). Fuchs teaches the claimed invention, including double-acting drive cylinders with respective pistons and a four-port three position valve (see Figure 1), except for application to pressure testing a pipe such a that a constant pressure is attained therein. Kent teaches application of a two cylinder arrangement having constant pressure delivery for testing of pipes; see columns 1-2. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use pipe testing as taught by Kent in the invention taught by Fuchs as the applied load, since Kent teaches that pipe testing benefits from such an arrangement.

Allowable Subject Matter

5. Claims 9 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

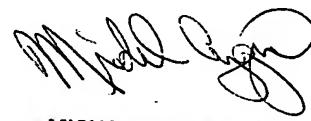
Conclusion

6. The prior art made of record on the attached PTO-892 and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cygan whose telephone number is (571) 272-2175. The examiner can normally be reached on 8:30-6 M-Th, alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**MICHAEL CYGAN, PH.D.
PRIMARY EXAMINER**